

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David A. Potts,

Plaintiff,

Civil No. 09-2566 (RHK/RLE)

vs.

**DISQUALIFICATION AND
ORDER FOR REASSIGNMENT**

The Septic Heater Company,

Defendant.

The above-entitled matter has been assigned to the undersigned, a Judge of the above Court. Pursuant to Title 28, United States Code § 455, the undersigned recuses himself from hearing this matter. Accordingly,

IT IS HEREBY ORDERED, that pursuant to this Court's Assignment of Cases Order dated December 1, 2008, the above-captioned action shall be resubmitted to the Clerk of Court for reassignment.

IT IS FURTHER ORDERED, that a copy of this Order shall be filed in the above-captioned case.

Dated: September 24, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge